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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,191	09/24/2003	Jen Chen Chen	LYP3013	8975

7590 02/23/2006  
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EXAMINER

WITCZAK, CATHERINE

ART UNIT	PAPER NUMBER
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3767

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/672,191	<b>Applicant(s)</b> CHEN, JEN CHEN	
	<b>Examiner</b> Catherine N. Witczak	<b>Art Unit</b> 3767	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☒ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

 2/19/06

Art Unit: 3767

## DETAILED ACTION

### *Priority*

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Taiwan on July 16<sup>th</sup>, 2003. It is noted, however, that applicant has not filed a certified copy of the 92,212,971 application as required by 35 U.S.C. 119(b).

### *Information Disclosure Statement*

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.


### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 and 2<sup>3</sup> are rejected under 35 U.S.C. 102(b) as being anticipated by Caizza et al (US 5,512,050).

  
2/19/06

Art Unit: 3767

Claim 1: Caizza et al disclose in Figure 1 a cover (18) having an inlet and outlet capable of being connected to a front end of a syringe (column 3, lines 35-37); an axially moveable syringe tube (30) coupled to the outlet (via 36) of the cover and covering the needle (3), having an injection end (34) larger than the outlet of the cover that contacts the injection portion and recudes into the cover, exposing the syringe needle (12); and an elastic element (44) that pushes the syringe tube to hide the syringe needle (12).

Claim 2: Caizza et al disclose in Figure 1 the elastic element (44) being a helical spring.

Claim 3: Caizza et al disclose in Figure 2 the elastic element (44) being wound around the syringe tube (30).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4, 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caizza et al as modified by Cocker et al (US 2002/0193748).

Claims 4 and 8: Caizza et al, as modified by Cocker et al disclose the claimed invention except for the system being integrally formed. Cocker et al teach that it is known to make the system integrally in order to reduce overall manufacturing costs in paragraph 11. It would have been obvious to one having

42

Art Unit: 3767

ordinary skill in the art at the time the invention was made to modify the system as taught by Caizza et al by forming the system integrally as taught by Cocker et al, since such a modification would reduce overall manufacturing costs.

Claims 6 and 7: Caizza et al disclose the claimed invention except for a safety pin connected to the cover by an elastic and flexible connecting portion, having a coupling portion with a tip that is embedded into a hole. Cocker et al teach in Figure 1a-g that it is known to use a safety pin (140) connected to the cover (100) by an elastic and flexible connecting portion (143), having a coupling portion (142) with a tip (145) that is embedded into a hole (172) on the cover to lock the sheath in a safe position (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Caizza et al, with a safety pin connected to the cover by an elastic and flexible connecting portion, having a coupling portion with a tip that is embedded into a hole as taught by Cocker et al, since such a modification would provide the system with a system of locking the sheath in a safe position.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Caizza et al as modified by Cocker et al, in further view of Saffir (US 3,148,772).

Caizza et al as modified by Cocker et al disclose the claimed invention except for the syringe needle being packaged in a sealing bag. Saffir teaches in Figure 1 that it is known to package a syringe needle in a sealing in order to provide a sterile syringe needle assembly. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Caizza et al and modified by Cocker et al by packaging the syringe needle in a sealing bag as taught by Saffir, since such a modification would provide for a sterile needle syringe assembly.

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Art Unit: 3767

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine N. Witczak whose telephone number is (571) 272-7179. The examiner can normally be reached on Monday through Friday, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on (571) 272-4959. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Catherine Witczak  
Junior Examiner  
Art Unit 3767



2/19/06



**MICHAEL J. HAYES**  
**PRIMARY EXAMINER**